

Substances

Limitations

(η^5 -Cyclopentadienyl)-(η^6 -isopropylbenzene)iron(II) hexafluorophosphate (CAS Reg. No. 32760-80-8).

For use only as a photoinitiator.

Dated: August 31, 1994.

Janice F. Oliver,

Deputy Director for Systems and Support,
Center for Food Safety and Applied Nutrition.
[FR Doc. 94-22648 Filed 9-13-94; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 813, 882, 887, and 982

[Docket No. R-94-1628; FR-3727-C-02]

RIN 2577-AB47

Section 8 Certificate and Voucher Programs Conforming Rule: Admissions—Correction Concerning Effective Date

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; Technical correction.

SUMMARY: On July 18, 1994 (59 FR 36662), HUD published in the Federal Register a final rule for the Section 8 Certificate and Voucher Programs. The purpose of this document is to correct the "Effective Dates" section of the rule to include § 982.210(c)(4)(ii) as another section of the rule that will not be effective until January 18, 1995. The remainder of the "Effective Dates" section remains unchanged.

EFFECTIVE DATE: Except for §§ 982.209(b) and 982.210(c)(4)(ii), this rule is effective on October 18, 1994. Sections 982.209(b) and 982.210(c)(4)(ii) are effective January 18, 1995.

FOR FURTHER INFORMATION CONTACT: Madeline Hastings, Director, Rental Assistance Division, Room 4204, Telephone (202) 708-2841 (voice); (202) 708-0850 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On July 18, 1994 (59 FR 36662), HUD published in the Federal Register a final rule for the Section 8 Certificate and Voucher Programs. This final rule amended the requirements for admission of eligible families to receive tenant-based Section 8 rental assistance under the rental

certificate program and the rental voucher program.

The purpose of this document is to correct the "Effective Dates" section of the rule to include § 982.210(c)(4)(ii) as another section of the rule that will not be effective until January 18, 1995. This section was inadvertently omitted when the rule was published on July 18, 1994. The remainder of the "Effective Dates" section remains unchanged.

Accordingly, the "Effective Dates" section in FR Doc 94-16887, a final rule published in the Federal Register on July 18, 1994 (59 FR 36662), is corrected to read as follows:

EFFECTIVE DATES: Except for §§ 982.209(b) and 982.210(c)(4)(ii), this rule is effective on October 18, 1994. Sections 982.209(b) and 982.210(c)(4)(ii) are effective January 18, 1995.

Dated: September 7, 1994.

Brenda Gladden,

Assistant General Counsel for Regulations
(Acting).

[FR Doc. 94-22637 Filed 9-13-94; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 94-94]

Exemption of System of Records Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice, FBI, revises § 16.96 of Title 28 of the Code of Federal Regulations to exempt a Privacy Act system of records from subsections 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(1), (2), and (3), (e)(4) (G) and (H), (e)(5), (e)(8), (f) and (g) of the Privacy Act. The system of records is the FBI Counterdrug Information Indices System. Information in the system consists of automated indices related to the law enforcement activities and responsibilities of the FBI regarding drug law enforcement. These exemptions are necessary to avoid interference with the law enforcement functions and responsibilities of the FBI. Reasons for the exemptions are set forth in the text below.

EFFECTIVE DATE: September 14, 1994.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, (202) 616-0178.

SUPPLEMENTARY INFORMATION: This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have a "significant economic impact on a substantial number of small entities."

List of Subjects in Part 16

Administrative Practices and Procedure, Courts, Freedom of Information Act, Government in the Sunshine Act, and Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR Part 16 is amended as set forth below.

Dated: August 29, 1994.

Stephen R. Colgate,

Assistant Attorney General for
Administration.

1. The authority for Part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. Title 28 CFR, Section 16.96 is amended by adding paragraphs (l) and (m) as set forth below.

§ 16.96 Exemption of Federal Bureau of Investigation (FBI)—Limited Access

(l) The following system of records is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e) (1), (2), and (3), (e)(4) (G) and (H), (e)(5), (e)(8), (f) and (g).

(1) FBI Counterdrug Information Indices System (CIIS) (JUSTICE/FBI—016)

(m) These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2). Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal

investigative interest by not only the FBI, but also by the recipient agency. This would permit the record subject to take appropriate measures to impede the investigation, e.g., destroy evidence, intimidate potential witnesses or flee the area to avoid the thrust of the investigation.

(2) From subsection (c)(4) to the extent it is not applicable because an exemption is being claimed from subsection (d).

(3)(i) From subsections (d), (e)(4) (G) and (H) because these provisions concern individual access to records, compliance with which could compromise sensitive information, interfere with the overall law enforcement process by revealing a pending sensitive investigation, possibly identify a confidential source or disclose information which would constitute an unwarranted invasion of another individual's personal privacy, reveal a sensitive investigative technique, or constitute a potential danger to the health or safety of law enforcement personnel.

(ii) In addition, from paragraph (d), because to require the FBI to amend information thought to be incorrect, irrelevant or untimely, because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously retrograde its investigations attempting to resolve questions of accuracy, etc.

(4)(i) From subsection (e)(1) because it is not possible in all instances to determine relevancy or necessity of specific information in the early stages of a criminal or other investigation.

(ii) Relevance and necessity are questions of judgment and timing; what appears relevant and necessary when collected ultimately may be deemed otherwise. It is only after the information is assessed that its relevancy and necessity in a specified investigative activity can be established.

(iii) In any investigation the FBI might obtain information concerning violations of law not under its jurisdiction, but in the interest of effective law enforcement, dissemination will be made to the agency charged with enforcing such law.

(iv) In interviewing individuals or obtaining other forms of evidence during an investigation, information could be obtained, the nature of which would leave in doubt its relevancy and necessity. Such information, however, could be relevant to another investigation or to an investigative

activity under the jurisdiction of another agency.

(5) From subsection (e)(2) because the nature of criminal and other investigative activities is such that vital information about an individual often can only be obtained from other persons who are familiar with such individual and his/her activities. In such investigations it is not feasible to principally rely upon information furnished by the individual concerning his own activities.

(6) From subsection (e)(3) because disclosure would provide the subject with information which could impede or compromise the investigation. The individual could seriously interfere with undercover investigative activities and could take appropriate steps to evade the investigation or flee a specific area.

(7) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light. The restrictions imposed by subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement.

(8) From subsection (e)(8) because the notice requirements of this provision could seriously interfere with a law enforcement activity by alerting the subject of a criminal or other investigation of existing investigative interest.

(9) From subsection (f) to the extent that this system is exempt from the provisions of subsection (d).

(10) From subsection (g) to the extent that this system of records is exempt from the provisions of subsection (d).

[FR Doc. 94-22656 Filed 9-13-94; 8:45 am]

BILLING CODE 4410-02-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 940415-4212]

RIN 0651-AA68

Revision of Patent Fees; Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Correction to final rulemaking.

SUMMARY: This document contains a correction to the final rulemaking which was published Thursday, August 25, 1994 (59 FR 43736).

EFFECTIVE DATE: October 1, 1994.

FOR FURTHER INFORMATION CONTACT: Robert Kopson by telephone at (703) 305-8510, fax at (703) 305-8525, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

Need for Correction

The final rulemaking contains an error which may prove to be misleading and is in need of clarification. As published, section 1.492(a)(5) read, " * * * by the European Patent Office of the Japanese Patent Office * * * ". The section should read, " * * * by the European Patent Office or the Japanese Patent Office * * * ".

Correction of Publication

Accordingly, on page 43742 of the final rulemaking which was published on August 25, 1994, paragraph (a)(5) of § 1.492 is corrected as follows:

§ 1.492 National stage fees.

* * * * *

(a) * * *

(5) Where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office:

By a small entity (§ 1.9(f)).....\$425.00
By other than a small entity\$850.00

* * * * *

Dated: August 1, 1994.

Michael K. Kirk,

Acting Assistant Secretary of Commerce and
Acting Commissioner of Patents and
Trademarks.

[FR Doc. 94-22681 Filed 9-13-94; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 14

RIN 2900-AH01

Expanded Remote Access to Computerized Veterans Claims Records by Accredited Representatives

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is establishing policy,

procedures and criteria governing when, and under what circumstances, VA will grant authorized claimants' representatives read-only access to the automated claims records of claimants whom they represent from approved office locations away from the VA Regional Offices of jurisdiction for the claimants' records. Access will be granted only for the purpose of representing those claimants before VA on claims-related matters. In order to help safeguard the confidentiality of claimants' automated claims records, the rules also set out responsibilities and restrictions on claimants' representatives in exercising their remote access to VA's automated claims records. These procedures and criteria will provide for better and more timely representation of claimants in claims matters by allowing their representatives to have faster, easier and more efficient access to the claimants' records than they currently have when they have to travel to the Regional Offices. The regulations will also lead to more efficient use of VA resources in meeting the agency mission in that VA employees will have to spend less time providing access to those representatives who do not have their own computers in Regional Offices.

EFFECTIVE DATE: October 14, 1994.

FOR FURTHER INFORMATION CONTACT: David G. Spivey, Chief, Authorization Procedures Staff (213B), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-7258 or Jeffrey C. Corzatt, Staff Attorney (024H2), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC, 20420, (202) 273-6381. Questions concerning applying for remote access should be addressed to the Director of the Veterans Benefits Administration Regional Office with jurisdiction for the claim for which remote access is sought.

SUPPLEMENTARY INFORMATION:

Background

On July 20, 1994, the Department of Veterans Affairs published a notice of proposed rulemaking (NPRM) (59 FR 37008, July 20, 1994) to promulgate regulations at 38 CFR part 14 establishing policies, criteria and procedures governing access to certain Veterans Benefits Administration (VBA) computerized claimants records by individuals and organizations which represent those claimants from locations away from the Regional Offices of jurisdiction for those claimants records. As VA noted in its NPRM, the rules

concern when, and under what circumstances, VA will grant access, the responsibilities of those granted access, and the bases to revoke or suspend access.

Discussion of Comments

Five comments were submitted in response to the NPRM. All the comments endorsed the regulations. Three veterans service organizations had no suggested changes.

Another commenter suggested, in essence, that the regulations be clarified to expressly provide that those individuals approved by the Department to represent veterans in claims for title 38 benefits in accordance with 38 CFR 14.629 are treated equally for purposes of being granted read-only remote access to the automated claims records of their clients. As was stated in the NPRM, it is the Department's intention to provide the same on-line, remote access capability to all individuals and organizations accredited under 38 CFR 14.626-14.635 who represent claimants on VA claims for benefits and who request such access. Moreover, this purpose is expressly stated in the regulations at § 14.641(a)(1) which provides that an applicant for read-only access must be an organizations, representative, attorney or agent approved or accredited by VA under 38 CFR 14.626 through 14.635. The commenter's suggestion reflects what is already stated expressly in the regulations.

The last commenter noted a typographical error which the Department has corrected. That commenter also suggested that the regulations should clarify that the Regional Office Director, or the Regional Office Director's designee, is the VA official who may revoke an individual's or organization's access privileges under 38 CFR 14.643(b). Paragraphs (a) and (e) of § 14.643 refer to the Regional Office Director or the Regional Office Director's designee as the VA official responsible for decisions concerning the grant, denial, suspension or revocation of remote access privileges. VA similarly intended those officials to make any revocation decisions under § 14.643(b), and to avoid possible confusion on this issue, VA will clarify this point. VA accepts this suggestion, and the regulation is modified accordingly.

The fifth commenter suggested also that the Department clarify that 38 CFR 38.643(c) applies to proceedings under 38 CFR 14.643(b). VA also accepts this suggestion, and the regulation is changed accordingly.

The fifth commenter also suggested that § 14.643(c) should be modified to expressly refer only to accredited representatives of service organizations. However, attorneys and claims agents also represent veterans. These individuals may work for a law firm or some other organization which is not a veterans service organization. The proposed change would exclude some of the individuals covered by the regulations. Accordingly, the proposal is not adopted.

Finally, the commenter suggested that the proposed regulations set forth the procedures which would be followed by the Department in any revocation of access proceedings under § 14.643(b). The matter merits further consideration, and, accordingly, VA will consider whether to amend this rule to incorporate such procedures.

Following consideration of the comments submitted in response to the NPRM, as well as further consideration of the reasoning and analysis in the proposed regulation published at 59 FR 37008, the Secretary has decided to implement the regulations as proposed, for the reasons contained in that **Federal Register** notice, with the changes discussed above.

Regulatory Flexibility Act

The Secretary of Veterans Affairs has certified that these rules will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the regulations facilitate representative access to their claimants' information while imposing little in the way of cost or administrative burden. Further, the rules affect only the small number of entities and individuals which represent claimants in claims before VA.

This regulation is subject to review under Executive Order 12866.

There are no Catalog of federal Domestic Assistance numbers for this program.

List of Subjects in 38 CFR Part 14

Government employees, Lawyers, Legal services, Veterans.

Approved: September 1, 1994.

Jesse Brown,
Secretary of Veterans Affairs.

38 CFR part 14, Legal Services, General Counsel, is proposed to be amended as follows:

PART 14—LEGAL SERVICES, GENERAL COUNSEL

1. The authority citation for part 14 continues to read as follows:

Authority: 38 U.S.C. 5903.

2. In Part 14, §§14.640 through 14.646 and an undesignated center heading prior to § 14.640 are added to read as follows:

Expanded Remote Access to Computerized Veterans Claims Records by Accredited Representatives

Sec.

14.640 Purpose.

14.641 Qualifications for access.

14.642 Utilization of access.

14.643 Disqualification.

Expanded Remote Access to Computerized Veterans Claims Records by Accredited Representatives

§ 14.640 Purpose.

(a) Sections 14.640 through 14.643 establish policy, assign responsibilities and prescribe procedures with respect to:

(1) When, and under what circumstances, VA will grant authorized claimants' representatives read-only access to the automated Veterans Benefits Administration (VBA) claims records of those claimants whom they represent;

(2) The exercise of authorized access by claimants' representatives; and

(3) The bases and procedures for disqualification of a representative for violating any of the requirements for access.

(b) VBA will grant access to its automated claimants' claims records from locations outside Regional Offices under the following conditions. Access will be provided:

(1) Only to individuals and organizations granted access to automated claimants' records under §§ 14.640 through 14.643;

(2) Only to the claims records of VA claimants whom the organization or individual represents as reflected in the claims file;

(3) Solely for the purpose of the representative assisting the individual claimant whose records are accessed in a claim for benefits administered by VA; and

(4) On a read-only basis. Individuals authorized access to VBA automated claims records under §§ 14.640 through

14.643 will not be permitted to modify the data.

(c)(1) Access will be authorized only to the inquiry commands of the Benefits Delivery Network which provide access to the following categories of data:

(i) Beneficiary identification data such as name, social security number, sex, date of birth, service number and related service data; and

(ii) Claims history and processing data such as folder location, claim status, claim establishment date, claim processing history, award data, rating data, including service-connected medical conditions, income data, dependency data, deduction data, payment data, educational facility and program data (except chapter 32 benefits), and education program contribution and delimiting data (except chapter 32 benefits).

(2) Access to this information will currently be through the inquiry commands of BINQ (BIRLS (Beneficiaries Identification and Records Location Subsystem) Inquiry), SINQ (Status Inquiry), MINQ (Master Record Inquiry), PINQ (Pending Issue Inquiry) and TINQ (Payment History Inquiry). The identifying information received from BIRLS to representative inquiries will be limited to file number, veteran's name, date of death, folder location and transfer date of folder, insurance number, insurance type, insurance lapse date and insurance folder jurisdiction.

(d) Sections 14.640 through 14.643 are not intended to, and do not:

(1) Waive the sovereign immunity of the United States; or

(2) Create, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law against the United States or the Department of Veterans Affairs.

§ 14.641 Qualifications for access.

(a) An applicant for read-only access to VBA automated claims records from a location other than a VA Regional Office must be:

(1) An organization, representative, attorney or agent approved or accredited by VA under §§ 14.626 through 14.635; or

(2) An attorney of record for a claimant in proceedings before the Court of Veterans Appeals or subsequent proceedings who requests access to the claimant's automated claims records as part of the representation of the claimant.

(b) The hardware, modem and software utilized to obtain access, as well as their location, must be approved in advance by VBA.

(c) Each individual and organization approved for access must sign and return a notice provided by the Regional Office Director (or the Regional Office Director's designee) of the Regional Office of jurisdiction for the claim. The notice will specify the applicable operational and security requirements for access and an acknowledgment that the breach of any of these requirements is grounds for disqualification from access.

§ 14.642 Utilization of access.

(a) Once an individual or organization has been issued the necessary passwords to obtain read-only access to the automated claims records of individuals represented, access will be exercised in accordance with the following requirements:

(1) The individual or organization will obtain access only from equipment and software approved in advance by the Regional Office from the location where the individual or organization primarily conducts its representation activities which also has been approved in advance;

(2) The individual will use only his or her assigned password to obtain access;

(3) The individual will not reveal his or her password to anyone else, or allow anyone else to use his or her password;

(4) The individual will access only the VBA automated claims records of VA claimants who are represented by the person obtaining access or by the organization employing the person obtaining access;

(5) The individual will access a claimant's automated claims record solely for the purpose of representing that claimant in a claim for benefits administered by VA;

(6) Upon receipt of the password, the individual will destroy the hard copy; no written or printed record containing the password will be retained; and

(7) The individual and organization will comply with all security requirements VBA deems necessary to ensure the integrity and confidentiality of the data and VBA's automated computer systems.

(b) An organization granted access shall ensure that all employees provided access in accordance with these regulations will receive regular, adequate training on proper security, including the items listed in § 14.643(a). Where an individual such as an attorney or registered agent is granted access, he or she will regularly review the security requirements for the system as set forth in these regulations and in any additional materials provided by VBA.

(c) VBA may, at any time without notice:

(1) Inspect the computer hardware and software utilized to obtain access and their location;

(2) Review the security practices and training of any individual or organization granted access under these regulations; and

(3) Monitor an individual's or organization's access activities. By applying for, and exercising, the access privileges under §§ 14.640 through 14.643, the applicant expressly consents to VBA monitoring the access activities of the applicant at any time.

§ 14.643 Disqualification.

(a) The Regional Office Director or the Regional Office Director's designee may revoke an individual's or an organization's access privileges to a particular claimant's records because the individual or organization no longer represents the claimant, and; therefore, the beneficiary's consent is no longer in effect. The individual or organization is no longer entitled to access as a matter of law under the Privacy Act, 5 U.S.C. 552a, and 38 U.S.C. 5701 and 7332. Under these circumstances, the individual or organization is not entitled to any hearing or to present any evidence in opposition to the revocation.

(b) The Regional Office Director or the Regional Office Director's designee may revoke an individual's or an organization's access privileges either to an individual claimant's records or to all claimants' records in the VBA automated claims benefits systems if the individual or organization:

- (1) Violates any of the provisions of §§ 14.640 through 14.643;
- (2) Accesses or attempts to access data for a purpose other than representation of an individual veteran;
- (3) Accesses or attempts to access data other than the data specified in these regulations;
- (4) Accesses or attempts to access data on a VA beneficiary who is not represented either by the individual who obtains access or by the organization employing the individual who obtains access;
- (5) Utilizes unapproved computer hardware or software to obtain or attempt to obtain access to VBA computer systems;

(6) Modifies or attempts to modify data in the VBA computer systems.

(c) If VBA is considering revoking an individual's access under § 14.643(b), and that individual works for an organization, the Regional Office of jurisdiction will notify the organization of the pendency of the action.

(d) After an individual's access privileges are revoked, if the conduct

which resulted in revocation was such that it merits reporting to an appropriate governmental licensing organization such as a State bar, the VBA Regional Office of jurisdiction will immediately inform the licensing organization in writing of the fact that the individual's access privileges were revoked and the reasons why.

(e) The VBA Regional Office of jurisdiction may temporarily suspend access privileges prior to any determination on the merits of the proposed revocation where the Regional Office Director or the Director's designee determines that such immediate suspension is necessary in order to protect the integrity of the system or confidentiality of the data in the system from a reasonably foreseeable compromise. However, in such case, the Regional Office shall offer the individual or organization an opportunity to respond to the charges immediately after the temporary suspension.

[FR Doc. 94-22669 Filed 9-13-94; 8:45 am]

BILLING CODE 8320-01-P

POSTAL SERVICE

39 CFR Part 111

Revisions to Standards for Detached Address Labels

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service adopts changes in Domestic Mail Manual (DMM) standards concerning use of detached address labels (DALs) to standardize those rules as they apply to the different uses of DALs (second-, third-, and fourth-class flats and third-class merchandise samples).

EFFECTIVE DATE: December 13, 1994.

FOR FURTHER INFORMATION CONTACT: Leo F. Raymond, (202) 268-5199.

SUPPLEMENTARY INFORMATION: On April 8, 1994, the U.S. Postal Service (USPS) published for comment proposed changes to Domestic Mail Manual (DMM) unit A060, which contains the standards for use of detached address labels (DALs). 59 FR 16786-16788. The proposed revisions, which arose from suggestions presented during the 1993 DMM redesign project, were generally designed to eliminate as much as possible the distinctions between how second-, third-, and fourth-class flats and third-class merchandise samples can each be mailed using DALs. This proposed rule did not seek to introduce significantly new requirements or

options for existing uses (other than those that occur from standardization across classes), nor to permit new uses of DALs. To avoid wordiness, the term "item" was introduced to replace the phrase "second-class flat, third-class flat or merchandise sample, or fourth-class bound printed matter" when discussing that which is distributed with the DAL.

The USPS received five written comments on the proposed rule.

All commenters generally supported the proposed rule as a measure to simplify and standardize existing regulations. However, commenters also suggested revisions beyond those related to making the standards uniform in all mailing applications.

One commenter urged the Postal Service to allow the use of DALs in more mailing situations than at present. This proposal is beyond the scope of this rulemaking and will not be addressed as part of this final rule.

Another commenter found the language of proposed DMM A060.1.2 ambiguous in its use of "must" and "may" to describe situations in which DALs are permitted. That language is revised for greater clarity in renumbered DMM A060.1.3 of the final rule. This commenter was also concerned by the term "full" (in proposed DMM A060.3.3) as applied to the cartons used to transport the items to be delivered using DALs, fearing that, taken literally, it would require an infinite number of carton sizes to suit all situations. The intent behind the full carton requirement is that the fewest number of cartons be used and that each be as full as reasonably possible to minimize transportation cost and movement of (and potential damage to) the items inside the carton while in transit. The USPS does not expect customers to bear an unreasonable burden to ensure full cartons, and the language of the final rule is clarified to state that full cartons can be achieved by placing dunnage in cartons to maintain the integrity of their contents while in transit.

One commenter submitted a series of questions as a means of indicating areas in which it felt the proposed rule needed additional definition. The issues raised are (1) whether the DALs and items for a post office handling small volumes of mail could be combined in the same shipping carton; (2) how many 5-digit ZIP Codes are needed for general distribution and what constitutes the residual; and (3) the standards applicable to palletization of cartons of DALs and items. The final rule has been amended so that (1) only the DALs for the same 5-digit ZIP Code area may be placed in the same carton; (2) general distribution requires a minimum